

APPENDIX II

MESSAGES OF
SECRETARY OF STATE
TO ACCOMPANY THE
ADDRESS OF F. R. LUBBOCK
JANUARY 5, 1863

State Department¹⁵

Austin August 30th, 1862

To his Excellency

Governor F. R. Lubbock

Sir,

I deem it my duty before resigning my position as Secretary of State, to submit to you the following brief summary of the condition of this Department since last November.

In accordance with a Joint Resolution of the last Legislature, I entered into a contract with E. H. Cushing of Houston, for the publication of the General Laws of the 9th Legislature; this contract will be found on file and on record in the State Department.

The General Laws were published by the 1st of May, 1862, and were at once distributed as required by Law.

The Special Laws and Journals of the House of Representatives and Senate have not yet been published. The delay has been occasioned by the scarcity of paper, and the high prices demanded for the work and other causes. Furthermore—there was no immediate necessity for their publication, and under all the circumstances, it was deemed best to delay the matter for the present. The correspondence with regard to the printing of the Special Laws and Journals of the House of Representatives and Senate will be found on file in this Department.

The care of the Public Buildings devolves in part upon the Secretary of State and as Chairman of that Board, I feel it my duty to call your attention to the necessity of having an entire new roof put upon the Capitol Building
- - - - - With the present roof, not only the Public Archives

¹⁵ Domestic Correspondence, Archives Division, Texas State Library.

of the different Offices & the State and Supreme Court Libraries are subject to destruction but also the walls of the Building itself are being ruined, owing to the wretched condition of the roof. Efforts have been made to secure the building by repairs on the roof but these have been of little benefit.

With regard to the subject of Election Returns, I would call your attention to the law providing for the counting of the votes for Governor—Under the present law the inauguration of the Governor elect takes place in three or four days after the vote is counted, this should not be: It might be remedied perhaps by having the returns for Governor & Lieut. Governor sent up in duplicate. One addressed to the Speaker of the House of Representatives and the other to the Secretary of State, the latter to be opened and counted at once. The count made by the Secretary of State not, of course, to be final, but as furnishing the necessary information to the people and the candidates.—Under the present Election Law there is no mode provided for notifying this Department of the death, resignation, removal or other disability of any State or District Officers.

The Law should be so amended as to require the Chief Justice of the County in which the State or District Officer resided at once to notify this Department of the vacancy from what ever cause it may arise. - - - The want of such a notice has frequently caused delay and confusion in the ordering of Special Elections for District Officers.

As a General rule Special Elections for County Offices should be avoided, as such elections rarely reflect the full sense of the community. To do this it might be well enough for the County Court, in case of a vacancy in any County Office, to appoint someone to fill the office until the next August Election.

This is now the law with regard to Assessors & Collectors and County Surveyors and might be very well extended to all other County Offices, when under the Constitution of the State it would be competent for the County Court to appoint them, thus temporarily, and to limit their term of service until the next General Election.

Very respectfully submitted.

C. S. WEST

Secretary of State

Department of State¹⁶
Austin, January 29th, 1863

To

His Excellency

Governor F. R. Lubbock:

Sir,

As the Legislature is about to convene in Extra Session, it may not be improper for me to report to you the operations of this Department since I came into office on the 8th of September last.

The general laws of the last session were published before I came into office; some few volumes have been distributed by me.

The special laws and journals of the last session have not yet been published and it is not believed that any person will undertake to do public printing under the tariff of prices fixed by law.

The State and District Officers elected at the regular election in August last have been commissioned with the exception of Mr. Charles M. McDonald, District Attorney of the 18th District. I was advised that at the time of the election and ever since, he held a commission of Lieutenant in the Confederate Army, and therefore refused to commission him.

The County Officers elected in August last and since that time, have likewise been commissioned except in such cases where there has been a failure to make returns of the election and qualification of the parties elected except also in some few cases where the persons elected were public defaulters, or have failed to file their bonds with the Comptroller.

A new Register of all the officers and appointees in the State holding commissions or letters of appointment from the Governor, including our members of Congress, and Commissioners abroad to take depositions etc, has just been completed with great care and diligence; and is as perfect as the nature of the election returns would permit it to be made.

Under the act authorising the sale of Oldham and White's Digest, there have been 13 volumes sold, eleven at three dollars (\$3.00) and the two last at five dollars

¹⁶ Ibid.

(\$5.00) per volume, and the money paid into the State Treasury.

The fees received in the office for the fiscal year ending on the 31st of August last, amounted to fifty dollars and thirty cents (\$50.30), since that time to fourteen dollars (\$14.00) and the same was paid into the State Treasury according to law.

There was disbursed by this Department during the last year, under the various appropriations, the following sums, viz _____ \$ _____ cts

For printing proclamations etc	94.50
" Wood and Porter hire	124.60
" Postage	240.77
" Contingent Expenses	8.00
" Stationery and books	40.99
" Extra Clk hire	204.00
" Distributing Laws and Journals	206.00
" Printing " " "	1544.15
Amount expended	\$2463.01

The act creating the board of Commissioners of Public Grounds and Buildings, requires the board to "make and establish rules and regulations for the management of the Library and use the preservation of the books," but no appropriation has ever been made to enable the board to carry into effect the provisions of the act.

It was ascertained by me upon coming into office that the room in which the books are kept, leaked badly, that members of the Legislature and others, had claimed and exercised the right of taking books from the Library, that the books had not been marked, and that about 200 volumes were missing from the shelves.

Under this state of facts, the Secretary took the responsibility of employing an assistant clerk to perform extra clerk duty in the office, and to collect the missing books; to arrange them properly upon the shelves, and to mark and number them. This labour was well performed and about fifty volumes of the missing books have been found and placed in the Library.

I would respectfully suggest the propriety of the passage of a law giving an assistant-clerk to this Department. With two Clerks, other duties might be improved upon the Secretary;

He might be made the custodian of the Archives of the two houses of the Legislature; and required, after the adjournment of the Legislature, to file and preserve all papers of value and give certified copies where required.

To keep a register of all executors, administrators and guardians in the State, showing the date of appointment and penalty of the bond, and the names of the sureties. This would be valuable for reference, and would supply evidence in cases where the records have been burnt or otherwise destroyed.

To take charge of and supervise the Library; and to procure stationery fuel etc for the Legislature.

The law makes it my duty to keep a "complete register of all the officers appointed and elected in the State" and yet there is no statute which requires returns of elections for County Officers to be made by the Chief Justices to this Department. These returns are procured by the Secretary with a great deal of trouble, are generally imperfect, and in some instances he has not succeed[ed] in obtaining any returns. It is often necessary for the Secretary to authenticate the official acts of County Officers in which he certifies they were duly elected and had qualified and then again, the requisitions made by your Excellency for the arrest of fugitives from justice, are often based upon affidavits made before County Officers; hence the necessity for formal election returns.

I fully concur in the recommendation of my predecessor, for an amendment of the law in relation to the election of Governor and Lieutenant Governor. And I respectfully suggest a change of the law in relation to other State and District Officers. The Secretary might be required to open the election returns as they are received, keep a tabular statement of the same and count out the vote when the returns are all in. The notice to contest the election may be given within so many days from the days of the election, and not from the day of issuing the certificate as now regulated by law.

As chairman of the board of Commissioners of Public Grounds and Buildings, I beg leave to report, that the sum of Three hundred and twenty-five Dollars and seventy five cents (\$325.75), was expended last year upon the building and enclosures. That the roofs of the buildings leak very badly, and a sufficient appropriation is needed to cover

them with slate or other material experience having shown that tin does not answer for that purpose in this climate.

The sum of 1847 dollars was expended in bringing the artesian well last year, but the work has been suspended for the last two months for the want of proper tools to get out the shaft which has become fastened in the well. A small volume of water issues from the well, and it has been buried to the depth of 1210 feet.

The business of the office has been completed to this date, but the building leaks so badly that it will be difficult to preserve the records from injury.

All of which is respectfully submitted.

R. J. Townes
Secretary of State.